

REMARKS

In the Office Action dated February 26, 2003, the Examiner rejected claims 8-15, i.e., all of the claims pending in the application, 1) under the doctrine of nonstatutory double patenting, and 2) as lacking enablement under the first paragraph of §112. The undersigned respectfully submits that the present communication places the application in condition for allowance and requests that the Examiner reconsider the present rejection.

I. Amendments

The present amendment amends claims 8 and 15 and adds new claims 16 and 17. The undersigned would like to point out that claim 8 has been amended to broaden its scope. Claim 16 adds the further step of "electrochemically processing" the workpiece, which the Examiner states is enabled by the present specification. The non-narrowing change to claim 15 is merely cosmetic and should be viewed accordingly.

Claims 18-26 have also been added to the application. These claims are directed generally toward apparatuses for processing workpieces, and more particularly, to apparatuses that carry a processing vessel at a carrying plane and that support a movable workpiece support only at or above the carrying plane. The undersigned respectfully submits that new claims 18-26 comply with the requirements of 35 U.S.C. § 112 and are patentable over the art of record in this application.

II. Nonstatutory Double Patenting

The Examiner rejected claims 8-15 under the doctrine of "nonstatutory" or "obviousness-type" double patenting in light of claim 5 of commonly-owned U.S. Patent No. 6,461,494. A Terminal Disclaimer accompanies the present Amendment. This Terminal Disclaimer is signed by an attorney of record in the application, appointed in a Revocation and Substitute Power of Attorney filed 29 May 2002. That same Power of Attorney was signed by an officer of Semitool, Inc. and includes the requisite statement under 37 C.F.R. § 3.73(b).

The undersigned respectfully disagrees with the Examiner's double patenting rejection of these claims. Given the cost and delay that may otherwise be necessitated by arguing the rejection, however, the undersigned has opted to submit the enclosed Terminal Disclaimer. By doing so, the undersigned does not concede the propriety of the Examiner's position.

III. Rejections under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 8-15 under the first paragraph of 35 U.S.C. § 112, stating:

the specification, while being enabling for a method for electrochemically processing a wafer, does not reasonably provide enablement for other workpiece processing. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with the claims.

The undersigned assumes the Examiner's rejection of claim 8 was based on the last clause, which referred to exposing the workpiece "to desired processing conditions." That phrase has been deleted in the present amendment, so the undersigned trusts claim 8 will now meet with the Examiner's approval.

The present rejection of claims 14 and 15 is not understood. The Examiner acknowledges that the present specification enables electrochemical processing. Both claim 14 and claim 15 call for a process for electroplating a metal that includes, *inter alia*, placing the workpiece into contact with an electrolyte, and providing electrical power to an anode disposed in electrical contact with the electrolyte to thereby electroplate the metal on the workpiece. The undersigned respectfully submits that the specification provides more than ample support for this process to meet the threshold requirement of the first paragraph of 35 U.S.C. § 112.

IV. Conclusion

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and the sole art-based rejection has been obviated by

the accompanying Terminal Disclaimer. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 264-3848.

Respectfully submitted,
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